[IE] Complaint upheld over presenter's remark describing journalist as a "Holocaust denier"

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On 6 February 2018, the Broadcasting Authority of Ireland (BAI) upheld a complaint in relation to remarks made by a presenter describing a journalist as a "Holocaust denier" as being "unfair" and "likely to mislead audiences as to his views". The complaint concerns "Morning Ireland", a news and current affairs programme broadcast each weekday morning from 7 a.m. until 9.a.m. on the public service broadcaster, RTÉ Radio 1.

The complaint was submitted under Section 48(1) (a) of the 2009 Broadcasting Act (which deals with Fairness, Objectivity and Impartiality in News Content) and Section 4 of the BAI Code of Fairness, Objectivity & Impartiality in News and Current Affairs. The complainant asserted that the description of the journalist, Kevin Myers, as a Holocaust denier on the Morning Ireland programme in July 2017, had been "an absurd claim" based on a newspaper article written by Mr. Myers several years previously "under a misleading headline" and that the journalist took issue with the word "holocaust" "on account of its Greek origin meaning "destroy by fire." The complainant added that Mr. Myers had written many times about the Holocaust and the suffering of the Jews and that "it is ridiculous and offensive to label him as 'Holocaust denier'." The complainant also asserted that "no senior member of the Irish Jewish community has called him 'a denier'"

In response to the complaint, RTÉ stated that the references on the programme to Mr. Myers in this context related to articles written by Mr. Myers for the Irish Independent and Belfast Telegraph newspapers in 2009. In those articles, Myers referred to himself as a "Holocaust denier", with his chief issue being the use of the original Greek word itself, stating that there was no single "holocaust" as the genocide in question had taken many forms. RTÉ stated that in describing Myers as a Holocaust denier, its presenter was merely using "Mr Myers" own words". The broadcaster maintained "that if [Mr Myers] is being referred to around the world as a Holocaust denier, it is because he described himself as such."

In assessing the complaint, the BAI Compliance Committee had regard to the obligations set out in the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Rule 4.3 of the Code obliges broadcasters to deal fairly with persons referred to in news and current affairs content. Rule 4.19, requires that "views and facts shall not be misrepresented or presented in such a way as to

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render them misleading" and that presenters "should be sensitive to the impact of their language and tone in reporting news and current affairs so as to avoid a misunderstanding of the matters covered." Having reviewed the broadcast, it was the opinion of the Committee that these obligations had not been met in the broadcast. While noting that "Mr. Myers had described himself as a 'Holocaust denier' in a typically provocative newspaper article that he had written, it was evident from the article as a whole that his description did not in fact amount to a statement denying the genocide of the Jewish people at the hands of the Nazi regime. Rather, the article was a comment on how language is used and the criminalisation of individuals or groups who engage in Holocaust denial." In this context, "the comments by the presenter were considered to lack fairness to Mr. Myers and both misrepresented his views in a manner which would likely mislead audiences as to his views". Accordingly, the complaint was upheld.

Broadcasting Authority of Ireland, Broadcasting Complaint Decisions, 6 February 2018, p. 26

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